

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

ARKADI NISENZON AND LILIA SHUKHATIAN	:	
GEORGIY SHUKHATIAN	:	CIVIL ACTION
and	:	
INTERNATIONAL ALTERNATIVE SERVICE	:	
GROUP, LTD.	:	NO. 02-CV-4977
v.	:	
ARKADY SIROTOVSKY, NATALIA SIROTOVSKY	:	
MYKHAILO FITYAK, LARISSA FITYAK, ADOLF	:	
GAVRILOV, AND LYUDMILA ANDRIANOVA	:	
v.	:	
ALEXANDER FINANCE C.D., INC.	:	
ANDREW CHAROFF, EUGENE URITSKY, GENE	:	
BURD, ALEXANDER HOLDINGS, LL,	:	
COMMERCE WAY, INC., MICHAEL KOGAN &	:	
COMPANY, INC., PENN FINANCIAL GROUP, INC.	:	
	:	

**DEFENDANTS' OPPOSITION TO COUNTERCLAIM DEFENDANT GENE BURD'S
MOTION TO STRIKE DEFENDANTS' MORE DEFINITE STATEMENT**

It is unfortunate that in a good faith effort to comply with Gene Burd's Motion in the Alternative for a More Definite Statement and for further particulars of fraud, an exhibit that was prepared by Defendant Arkady Sirotofsky from his review of the documents, was called a "Bill of Particulars". This seems to be a problem for Mr. Burd who is responsible in the first instance for Federalizing this dispute among partners and continues to importune the court with a needless Motion. Defendants respectfully request that the particularized statement Mr. Burd requested in his Motion to Dismiss of August 9, 2004 and provided to him in Defendants' response of September 7, 2004 be deemed a "More Definite Statement" under Rule 12 (e) and deemed incorporated into Defendants' Counterclaim. To quote Justice Musmanno, "The attainment of true justice is over the highway of realities and not through the alley of technicalities". Potter Title & Trust Co. v. Latlavo Bros. 370 Pa. 374, 88 A.2d 91(1952) Mr. Burd requested more

particulars and was given same, by whatever name it may be called.

Respectfully Submitted,

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